



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2002-40**

October 4, 2002

Ms. Lori Ward  
40 Saint Anthony Place  
Mahopac, NY 10541

RE: DES Wetlands File #2001-00571 Bay Point Rd, Newbury

Dear Ms. Ward:

Personnel from the Department of Environmental Services ("DES") conducted an inspection and file review of the above referenced property, more specifically referenced on Town of Newbury Tax Map 7 as Lot 225-299 (the "Property"). The purpose of the inspection and file review was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection and subsequent file review the following deficiencies were documented:

1. On June 12, 2001, DES issued Wetlands permit # 2001-571 (*Copy enclosed*), for the installation of a 2 foot x 10 foot seasonal walkway attached to a 4 foot x 8 foot seasonal dock, on the above referenced property.
2. On May 14, 2002, DES issued a revision to permit # 2001-571 (*Copy enclosed*), for the installation of a 2 foot x 10 foot seasonal walkway attached to a 4 foot x 14 foot seasonal dock, on the above referenced property.
3. On June 20, 2002, DES personnel inspected your property in response to alleged violations of Wetlands permit # 2001-571 and in particular, Specific Conditions #5 and # 8, as revised and issued on May 14, 2002.
4. During the June 20, 2002, inspection by DES personnel, the following was documented:
  - a. The docking facility was located approximately 23 feet from the southern abutting property line; and,
  - b. The dock extended into the lake approximately 53 feet 11 inches as measured from the normal high water mark as identified on shore; and,
  - c. The docking facility was comprised of three sections measuring approximately 3 foot x 33 feet 7 inches, 2 feet x 10 feet and 4 feet x 10 feet.
5. On June 27, 2002, DES issued a letter (*Copy enclosed*), in response to the above mentioned

field inspection, requesting that you reduce the docking facility to the permitted dimensions, submit dated photos showing you have come into compliance, and in addition, submit a copy of the recorded permit.

6. On July 11, 2002, DES received a cover letter and photo showing that you had reduced the length of your docking facility, along with the certificate of completion form. DES did not receive a copy of the recorded permit.

7. On September 9, 2002, DES received a new complaint, stating the docking facility extended an estimated 40 feet lake ward of the normal high water mark.

In response, you are requested to take the following actions:

Within 45 days remove the docking facility and all supports from the lake: and,

2. Within 30 days submit a copy of the recorded permit to DES; and,

3. Upon installation of the permitted docking facility in 2003, submit a cover letter, and photos showing that you are in compliance with the permit description and specific conditions of the Wetlands permit # 2001-571, as revised on May 14, 2002.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk, Shoreline Investigator  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

**COPY**

Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 9620

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Newbury Conservation Commission  
Newbury Board of Selectmen  
Snow Beach Association, Inc.